

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on February 18, 2011 at 8:00 A.M., in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Jeff Essmann (R)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Jim Peterson (R)
Sen. Chas Vincent (R)

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 324, 2/11/2011; SB 344, 2/11/2011; SB 347, 2/11/2011

Executive Action: SB 61, 121, 123, 308, 334, 344-Tabled, SB 324-Do Pass, SB 276-Do Pass, SB 347-Do Pass As Amended

HEARING ON SB 347

Opening Statement by Sponsor:

00:01:42 Sen. Bob Lake (R), SD 44, opened the hearing on SB 347, Revise the private property assessment act.

Proponents' Testimony:

00:06:21 Bill VanCanagan, Attorney, Montana Association of Realtors (MAR)

[**EXHIBIT\(jus40a01\)**](#)

[**EXHIBIT\(jus40a02\)**](#)

00:19:01 Chuck Denowh, United Property Owners of Montana (UPOM), also Montana Farm Bureau (MFB), Montana Contractors Association (MCA)

00:20:28 Carol Lambert, Women Involved in Farming Economics (WIFE)

00:21:10 Dustin Stewart, Montana Building Industry Association (MBIA)

Opponents' Testimony:

00:21:39 Kelly Casillas, Deputy Chief Legal Counsel, Administrator, Community Development Division, Department of Commerce (DOC), State of Montana

00:30:39 Ali Bovingdon, Assistant Attorney General, Department of Justice (DOJ), State of Montana

[**EXHIBIT\(jus40a03\)**](#)

00:34:46 Bob Lane, Chief Legal Counsel, Fish, Wildlife, and Parks, (FWP) State of Montana

[**EXHIBIT\(jus40a04\)**](#)

00:38:25 Stan Frazer, Treasurer, Sportsmen for I-143 Initiative

00:41:51 Candace West, Chief Legal Counsel, Department Natural Resources and Conservation (DNRC), State of Montana

00:49:37 Tim Reardon, Chief Legal Counsel, Department of Transportation (DOT), State of Montana

00:52:26 Janet Ellis, Montana Audubon Society

00:53:16 James Paine, Public Service Commission (PSC), State of Montana

00:54:10 Derf Johnson, Montana Environmental Information Center (MEIC)

00:54:32 Jim Gingery, Executive Director, Montana Medical Growers Association (MMGA)

00:55:04 Gene Allison, Deputy Chief Legal Counsel, Division Business Standards, Department of Labor and Industry (DL&I), State of Montana

00:55:49 Brianna Randall, Clarkfork Coalition

00:56:14 Mark Aagenes, Montana Trout Unlimited (MTU)

00:56:30 George Golie, Montana Wildlife Federation (MWF)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:56:57 Sen. Jent
 00:57:20 Sen. Lake
 00:58:11 Sen. Jent
 00:58:15 Mr. VanCanagan
 01:05:26 Sen. Shockley
 01:06:26 Mr. Reardon
 01:11:30 Sen. Hinkle
 01:12:15 Sen. Lake
 01:14:36 Sen. Moss
 01:15:18 Ms. Casillas
 01:17:36 Sen. Shockley
 01:18:21 Ms. West

Closing by Sponsor:

01:20:47 Sen. Lake
 01:32:37 Recess

HEARING ON SB 344

Opening Statement by Sponsor:

01:39:19 Sen. Jason Priest (R), SD 30, opened the hearing on SB 344, Enacting the Montana Property Fairness Act.

Proponents' Testimony:

01:47:08 Bill VanCanagan, Attorney, MAR
 02:02:16 Chuck Denowh, UPOM
[EXHIBIT\(jus40a05\)](#)
[EXHIBIT\(jus40a06\)](#)
[EXHIBIT\(jus40a07\)](#)
 02:08:23 Dustin Stewart Executive Director, MBIA
 02:09:20 John Bingham, self
[EXHIBIT\(jus40a08\)](#)
 02:13:13 Carol Lambert, WIFE

Opponents' Testimony:

02:13:55 Kelly Casillas, Deputy Chief Legal Counsel, Administrator, Community Development Division, DOC
 02:24:03 Gene Allison, Deputy Chief Legal Counsel, Division Business Standards, DL&I
 02:31:36 Gordon Morris, Lewis and Clark County
 02:32:12 George Golie, MWF
 02:34:59 Ali Bovingdon, Assistant Attorney General, DOJ

02:36:12 James Paine, PSC
02:38:04 Tara DePuy, Attorney, Land Use, Montana Association of Counties (MACo)
02:42:26 Tim Reardon, Chief Legal Counsel, MDOT
02:49:57 Mark Aagenes, MTU
02:52:07 Alec Hansen, Montana League of Cities and Towns
02:55:10 Brianna Randall, Clarkfork Coalition
02:56:48 Bob Lane, Chief Legal Counsel, FWP

EXHIBIT(jus40a09)

02:59:47 Janet Ellis, Montana Audubon Society

EXHIBIT(jus40a10)

03:01:29 James Gingery, Montana Medical Growers Association
03:02:17 Linda Stoll, Montana Association of Planners, also for Missoula County,
Missoula, Montana

EXHIBIT(jus40a11)

03:03:52 Anne Hedges, MEIC
03:04:32 Candace West, Chief Legal Counsel, DNRC
03:06:03 Joseph Sands, Montana State Council of Professional Firefighters(MSCOPFF)
03:06:20 Jeff Barber, Montana Nature Conservancy
03:06:33 Stan Frazer, Treasurer, Sportsmen for I-143 Initiative

Informational Testimony:

None

Questions from Committee Members and Responses:

03:07:55 Sen. Moss
03:09:19 Ms. Casillas
03:11:05 Sen. Larsen
03:12:01 Sen. Priest
03:13:28 Sen. Blewett
03:14:01 Ms. West
03:15:25 Sen. Essmann
03:17:45 Mr. VanCanagan

03:22:07 Chairman Murphy

Closing by Sponsor:

03:22:36 Sen. Priest

HEARING ON SB 324

Opening Statement by Sponsor:

03:27:01 Sen. Joe Balyeat (R), SD 34, opened the hearing on SB 324, Revise consumer protection laws and settlement proceeds.

EXHIBIT(jus40a12)

(Sen. Essmann, Sen Peterson, and Sen. Vincent absent from the room)

Proponents' Testimony:

None

Opponents' Testimony:

03:39:45 Steve Bullock, Attorney General, DOJ

[EXHIBIT\(jus40a13\)](#)

[EXHIBIT\(jus40a14\)](#)

Informational Testimony:

None

Questions from Committee Members and Responses:

03:53:57 Sen. Blewett
03:54:54 Mr. Bullock
03:56:57 Sen. Shockley
03:57:53 Mr. Bullock
03:59:26 Sen. Shockley
03:59:38 Sen. Balyeat

Closing by Sponsor:

04:04:06 Sen. Balyeat
04:05:02 Sen. Blewett
04:05:13 Sen. Balyeat

04:08:23 Recess

Committee Business:

04:15:21 Chairman Murphy
04:15:32 Sen. Blewett
04:16:07 Sen. Shockley
04:16:27 Sen. Augare
04:16:41 Sen. Murphy
04:16:45 Sen. Augare
04:17:01 Sen. Murphy

EXECUTIVE ACTION ON SB 61

04:17:52 **Motion/Vote:** Sen. Shockley moved that **SB 61 BE TABLED**. Motion carried unanimously by voice vote. Sen. Essmann, Sen. Peterson and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 121

04:18:25 **Motion/Vote:** Sen. Shockley moved that **SB 121 BE TABLED**. Motion carried unanimously by voice vote. Sen. Essmann, Sen. Peterson and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 123

04:18:32 **Motion/Vote:** Sen. Shockley moved that **SB 123 BE TABLED**. Motion carried unanimously by voice vote. Sen. Essmann, Sen. Peterson and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 334

04:18:52 **Motion/Vote:** Sen. Shockley moved that **SB 334 BE TABLED**. Motion carried unanimously by voice vote. Sen. Essmann, Sen. Peterson and Sen. Vincent voted by proxy.

04:19:30 Sen. Shockley
04:19:46 Valencia Lane, Legislative Services Division (LSD)

EXECUTIVE ACTION ON SB 344

04:20:05 **Motion:** Sen. Hinkle moved that **SB 344 DO PASS**.

Discussion:

04:20:14 Sen. Jent
04:21:18 Sen. Moss

04:22:00 **Motion/Vote:** Sen. Hinkle moved that **SB 344 BE AMENDED**. Motion carried unanimously by voice vote. Sen. Essmann, Sen. Peterson and Sen. Vincent voted by proxy.

EXHIBIT(jus40a15)

04:22:40 **Motion:** Sen. Shockley moved that **SB 344 DO PASS AS AMENDED**.

04:23:03 Ms. Lane
EXHIBIT(jus40a16)

04:23:04 **Substitute Motion/Vote:** Sen. Augare made a substitute motion that **SB 344 BE TABLED**. Substitute Motion carried 10-2 by roll call vote with Sen. Hinkle and Sen. Peterson voting no. Sen. Essmann, Sen. Peterson and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 347

04:25:02 **Motion:** Sen. Shockley moved that **SB 347 DO PASS**.

04:25:10 **Motion/Vote:** Sen. Shockley moved that **SB 347 BE AMENDED WITH A CONCEPTUAL AMENDMENT TO STRIKE SECTION 5, 6, 8, and 9**. Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Peterson and Sen. Vincent voted by proxy.

04:26:35 **Motion:** Sen. Shockley moved that **SB 347 DO PASS AS AMENDED**.

Discussion:

04:26:39 Sen. Hutton
04:28:48 Sen. Shockley
04:29:41 Sen. Jent

04:31:47 **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting no. Sen. Essmann, Sen. Peterson and Sen. Vincent voted by proxy.

EXHIBIT(jus40a17)

EXECUTIVE ACTION ON SB 324

04:32:26 **Motion:** Sen. Shockley moved that **SB 324 DO PASS**.

Discussion:

04:32:43 Sen. Jent
04:36:03 Sen. Shockley

04:36:29 **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting no. Sen. Essmann, Sen. Peterson and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 308

04:37:11 **Motion:** Sen. Shockley moved that **SB 308 DO PASS**.

04:37:35 **Motion:** Sen. Larsen moved that **SB 308 BE AMENDED**.

EXHIBIT(jus40a18)

Discussion:

04:38:32 Ms. Lane
04:40:35 Sen. Larsen
04:41:21 Sen. Shockley

04:41:49 **Vote:** Motion carried unanimously by voice vote. Sen. Essmann, Sen. Peterson and Sen. Vincent voted by proxy.

04:42:05 **Motion:** Sen. Blewett moved that **SB 308 DO PASS AS AMENDED.**

Discussion:

04:42:12 Sen. Shockley
04:44:17 Sen. Hutton

04:45:13 **Vote:** Motion failed 6-6 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Hutton, Sen. Jent, Sen. Larsen and Sen. Moss voting aye. Sen. Essmann, Sen. Peterson and Sen. Vincent voted by proxy.

04:46:08 **Motion/Vote:** Sen. Shockley moved that **SB 308 BE TABLED.** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting no. Sen. Essmann, Sen. Peterson and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 276

04:47:18 **Motion/Vote:** Sen. Shockley moved that **SB 276 DO PASS.** Motion carried 7-5 by roll call vote with Sen. Essmann, Sen. Hinkle, Sen. Hutton, Sen. Shockley and Sen. Vincent voting no. Sen. Essmann, Sen. Peterson and Sen. Vincent voted by proxy.

ADJOURNMENT

Adjournment: 12:48 P.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus40aad.pdf](#))